IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 3564 of 2006(Y)

PETITIONER:

P.V.JANARDHANAN PILLAI,
TELEPHONE MECHANIC, PAMPADY TELEPHONE EXCHANGE,
(BSNL), PAMPADY, KOTTAYAM 686 502.

BY ADV. SRI.P.R.PADMANABHAN NAIR

RESPONDENTS:
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1. THE SUB DIVISIONAL ENGINEER(G),PHONES,
PAMPADY, KOTTAYAM 686 502.

2. THE DIVISIONAL ENGINEER,
TELECOM, BSNL, PAMPADY 686 001.

3. THE GENERAL MANAGER,
TELECOM, BSNL, KOTTAYAM 686 502.

4. THE CHIEF GENERAL MANAGER,
TLECOM BSNL, KERALA CIRCLE, TRIVANDRUM 695 001.

BY ADV. SRI.K.KESAVANKUTTY, SC, BSNL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 3564/2006 y

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE MEMO NO. X/01-02/4 DT. AT PMY, THE 6/4/2002 FROM SUB DIVISIONAL ENGINEER, PHONES (GROUPS) BSNL, PAMPADY TO THE PETITIONER.

EXT.P2. COPY OF THE STATEMENT DT. 13/5/2002 BY THE PETITIONER TO THE SUB DIVISIONAL ENGINEER, PHONES, GROUPS, BSNL PAMPADY.

EXT.P3. COPY OF THE TRAINING COURSE CERTIFICATE OF SR. TOA OF THE PETITIONER DT. 6/5/02.

EXT.P4. COPY OF THE ELIGIBILITY LIST NO. E1/260/IV/30 DT. AT KOTTAYAM THE 23/5/2002 FOR APPOINTMENT TO THE CADRE OF SR. TOA PUBLISHED BY THE R3, GENERAL MANAGER, TELECOM, KOTTAYAM.

EXT.P5. COPY OF THE MEMO NO. X1/01-02/5 DT. 27/6/02 FROM SUB DIVISIONAL ENGINEER, PHONES, GROUPS, BSNL PAMPADY.

EXT.P6. COPY OF THE REVISION PETITION T. 12/12/02 BEFORE THE DIVISIONAL ENGINEER, TELECOM, KOTTAYAM BY THE PETITIONER.

EXT.P7. COPY OF THE MEMO NO. X3/02-06/2 DT. AT PAMPADY THE 29/11/2005 FROM DIVISIONAL ENGINEER, TELECOM PAMPADY TO THE PETITIONER

RESPONDENT'S EXHIBITS

EXT.R3A. COPY OF THE MEMO DT. 30/1/06 BY THE PRINCIPAL GENERAL MANAGER, KOTTAYAM IN FAVOUR OF THE PETITIONER.

EXT.R3B. COPY OF THE REPRESENTATION DT. 24/2/2006 BY THE PETITIONER BEFORE THE ASST. GENERAL MANAGER, OFFICE OF THE PRINCIPAL GENERAL MANAGER, KOTTAYAM.

True copy

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K. BALAKRISHNAN NAIR, J.

W.P.(C) No.3564 of 2006-Y

JUDGMENT

The petitioner, who is a Telephone Mechanic, has approached this Court, praying for a direction to the respondents to promote him to the post of Senior Telecom Office Assistant retrospectively with effect from the date his immediate junior was promoted. After the filing of the writ petition, the petitioner has been served with Ext.R3(a) memo, by which he has been promoted with effect from 30.1.2006. Feeling aggrieved by the denial of retrospectivity to that promotion, the petitioner has already preferred Ext.R3(b) representation, which was filed on 24.2.2006. In view of the above position, the writ petition is disposed of, directing the competent authority of the B.S.N.L., to consider and pass orders on Ext.R3(b) representation, which is filed before the Assistant General Manager, Office of the Principal General Manager Telecom, B.S.N.L., Kottayam. If the said officer is not competent to dispose of that representation, he may forward it to the competent authority along with his views. The competent authority shall pass orders on Ext.R3(b)

within two months from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner.

K. BALAKRISHNAN NAIR,
JUDGE.

24th July, 2007.
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